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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,936	01/17/2001	Brenda Frances Bennie	CM1808/VB	9054

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 06/26/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,936

Applicant(s)

BENNIE, BRENDA FRANCES

Examiner

Lorna M. Douyon

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1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Information Disclosure Statement

1. The references cited in the Search Report of PCT/US99/15491 have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO-1449 form, must be filed within the set period for reply to this Office action.

Specification

2. The disclosure is objected to because of the following informalities:

The copending foreign applications on pages 33, last line; page 34, last line; page 36, line 6 and any other copending foreign applications need to be updated.

Appropriate correction is required.

Claim Objections

3. Claims 1-6 are objected to because of the following informalities: "alkalizing" is misspelled. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. Claims 1-3, 5-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 are indefinite in the recital of “the multi-phase tablet has an initial pH of at least 9” because a tablet, by itself, cannot have a pH. It is suggested that the wordings on page 11, lines 11-13 be incorporated into the claim.

Regarding claim 5, the terms “preferably” and “more preferably” render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Please note that the preliminary amendment to claim 5 regarding “preferably...” has not been entered because the portions to be deleted do not match up with the wordings of the instant claim. In addition, claim 5 lacks support for “the silicate alkalising agent” (lines 1-2) and “the crystalline layered sodium silicate” (lines 3-4) with respect to claim 1.

Claim 8 lacks support for “the crystalline layered sodium silicate” (lines 3-4) with respect to claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US Patent No. 5,972,870).

Anderson teaches a multi-layered, laundry tablet which includes a dissolvable first or outer layer which includes an alkaline substance such as silicate for raising the pH level of the wash water upon dissolving to a pH level between 8 and 13 and a dissolvable second or inner layer which includes an acidic substance for subsequently lowering or neutralizing the pH level of the wash water (see abstract; col. 2, lines 43-47; col. 4, lines 60-63). An outer layer containing approximately 9 oz. of commercial grade, alkaline detergent and an inner layer containing approximately 3 oz. of acidic powder is effective in a commercial laundry process for 100 lbs of dry clothes (see col. 5, lines 21-25). Anderson teaches the limitations of the instant claims. Hence, Anderson anticipates the claims.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1, 3, 6, 7 and 10 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Secemski et al. (EP 0,851,024), hereinafter "Secemski".

Secemski teaches a machine diswashing tablet which contains a first layer having a buffering system which dissolves to deliver a pH of 8.5 to 11 in the wash water and a second layer which includes an acidity agent which dissolves in wash water to deliver a pH from 6.5 to 9 (see abstract). In Example 1, Secemski teaches a tablet wherein the first layer comprises 3.8 wt% disilicate and the second layer comprises 3.0 wt% citric acid (see Table 1 on page 13). Even though Secemski does not explicitly disclose the pH rate change index and the child bite strength of the tablet, it would be inherent in the tablet of Secemski to possess these characteristics because same tablet having the same ingredients have been utilized. Hence, Secemski anticipates the claims.

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9. Claims 2, 4, 5, 8-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Secemski as applied to the above claims.

Secemski teaches the features as described above. In addition, Secemski teaches that the first layer comprises from 5 wt% to 90 wt% of a builder and a buffering system (see page 3, lines 44-46), wherein the builder includes non-phosphorus-containing inorganic builders such as silicates, including layered silicates such as SKS-6 ex. Hoechst (see page 4, lines 3-5), and the buffering system may include layered silicates such as SKS-6 (see page 4, lines 29-35). The ingredients that are intended for delivery into the main wash are mixed, transferred to a tablet die and compressed with a compaction pressure from about 5×10^6 kg/m² (about 500 kg/cm²) to about 3×10^7 kg/m² (about 3000 kg/cm²) and the ingredients that constitutes the final layer containing the acid is compressed with a compaction pressure from about 1×10^6 kg/m² (about 100 kg/cm²) to about 3×10^7 kg/m² (see page 12, lines 30-47). The second tablet layer also comprises a continuous medium such as polyvinyl ethers, polyethylene glycols or ethylene-maleic anhydride copolymers (see page 11, lines 25-35). Secemski, however, fails to specifically disclose the first layer to contain crystalline layered silicates such as SKS-6, the dissolution rate of the second phase and the first phase having at least one mould.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected layered silicates such as SKS-6 as the specific builder or buffering system because this is one of the suggested ingredient taught by Secemski, to reasonably expect the

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second phase to dissolve in the washing machine within 5 minutes because similar ingredients have been utilized, and to provide the first layer with a mould because this is an obvious design choice.

10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

June 21, 2002

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751